They help protect against encroachments on our civil liberties and constitutional rights. Any claim that the Attorney General should submit a FISA application to the court when in her view the statutory requirements have not been satisfied undermines completely the FISA safeguards deliberately included in the statute in the first place.

I appreciate that those who disagree with me that the evidence for the Lee FISA application was insufficient to meet the FISA standard for surveillance against a United States person may urge that this standard be weakened. This would be wrong.

The handling of the Wen Ho Lee FISA application does not suggest a flaw in the definition of probable cause in the FISA statute. Instead, it is an example of how the probable cause standard is applied and demonstrates that effective and complete investigative work is and should be required before extremely invasive surveillance techniques will be authorized against a United States person. The experienced Justice Department prosecutors who reviewed the Lee FISA application understood the law correctly and applied it effectively. They insisted that the FBI do its job of investigating and uncovering evidence sufficient to meet the governing legal standard.

The Counterintelligence Reform Act of 2000 correctly avoids changing this governing probable cause standard. Instead, the bill simply makes clear what is already the case—that a judge can consider evidence of past activities if they are relevant to a finding that the target currently ''engages'' in suspicious behavior. Indeed, the problem in the Lee case was not any failure to consider evidence of past acts. Rather, it was that the evidence of past acts presented regarding Lee's connections to Taiwan did not persuasively bear on whether Lee, in 1997, was engaging in clandestine intelligence gathering activities for another country, China.

Finally, some reforms are needed. The review of the Lee matter so far suggests that internal procedures within the FBI, and between the FBI and the Office of Intelligence Policy and Review, to ensure that follow-up investigation is done to develop probable cause do not always work. I share the concern that it took the FBI an inordinately long time to relay the Justice Department's request for further investigation and to then follow up.

The FBI and the OIPR section within DOJ have already taken important steps to ensure better communication, coordination and follow-up investigation in counterintelligence investigations.

The FBI announced on November 11, 1999, that it has reorganized its intelligence-related divisions to facilitate the sharing of appropriate information and to coordinate international activities, the gathering of its own intelligence and its work with the counterespionage agencies of other nations.

In addition, I understand that OIPR and the FBI are working to implement a policy under which OIPR attorneys will work directly with FBI field offices to develop probable cause and will maintain relationships with investigating agents. This should ensure better and more direct communication between the attorneys drafting the FISA warrants and the agents conducting the investigation and avoid information bottlenecks that apparently can occur when FBI Headquarters stands in the way of such direct information flow. I encourage the development of such a policy. It should prevent the type of delay in communication that occurred within the FBI from happening again. In addition, the Attorney General advised us at the June 8, 1999 hearing that she has instituted new procedures within DOJ to ensure that she is personally advised if a FISA application is denied or if there is disagreement with the FBI.

Notwithstanding all of these wise changes, the FISA legislation will require formal coordination between the Attorney General and the Director of the FBI, or other head of agency, in those rare cases where disagreements like those in the Lee case arise. I am confident that the Directors of the FBI and CIA and the Secretaries of Defense and State, and the Attorney General, are capable of communicating directly on matters when they so choose, even without legislation. I am concerned that certain of these new requirements will be unduly burdensome on our high-ranking officials due to the clauses that prevent the delegation of certain duties.

For instance, the bill requires that upon the written request of the Director of the FBI or other head of agency, the Attorney General ''shall personally review'' a FISA application. If, upon this review, the Attorney General declines to approve the application, she must personally provide written notice to the head of agency and ''set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application.'' The head of agency then has the option of adopting the proposed modifications, but should he choose to do so he must ''supervise the making of any modification'' personally.

I appreciate that these provisions of this bill are simply designed to ensure that our highest ranking officials are involved when disputes arise over the adequacy of a FISA application. However, we should consider, as we hold hearings on the bill, whether imposing statutory requirements personally on the Attorney General and others is the way to go.

I also support provisions in this bill that require information sharing and consultation between intelligence agencies, so that counterintelligence investigations will be coordinated more effectively in the future. In an area of such national importance, it is critical that our law enforcement and intelligence agencies work together as efficiently and cooperatively as possible. Certain provisions of this bill will facilitate this result.

In addition, Section 5 of the bill would require the adoption of regulations to govern when and under what circumstances information secured pursuant to FISA authority ''shall be disclosed for law enforcement purposes.'' I welcome attention to this important matter, since OIPR attorneys had concerns in April 1999 about the FBI efforts to use the FISA secret search and surveillance procedures as a proxy for criminal search authority.

Whatever our views about who is responsible for the miscommunications and missteps that marred the Wen Ho Lee investigation, S. 2089, the Counterintelligence Reform Act of 2000, stands on its own merits and I commend Senators GRASSLEY, SPECTER, and TORRICELLI for their leadership and hard work in crafting this legislation.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 6, 2000, the Federal debt stood at $5,745,099,557,759.64 (Five trillion, seven hundred forty-five billion, ninety-nine million, five hundred fifty-seven thousand, seven hundred fifty-nine dollars and sixty-four cents).

Five years ago, March 6, 1995, the Federal debt stood at $4,840,905,000,000 (Four trillion, eight hundred forty billion, nine hundred five million).

Ten years ago, March 6, 1990, the Federal debt stood at $3,028,453,000,000 (Three trillion, twenty-eight billion, four hundred fifty-three million).

Fifteen years ago, March 6, 1985, the Federal debt stood at $1,713,220,000,000 (One trillion, seven hundred thirteen billion, two hundred twenty million).

Twenty-five years ago, March 6, 1975, the Federal debt stood at $499,255,000,000 (Four hundred ninety-nine billion, two hundred fifty-five million) which reflects a debt increase of more than $5 trillion—$5,245,844,557,759.64 (Five trillion, two hundred forty-five billion, eight hundred forty-four million, five hundred fifty-seven thousand, seven hundred fifty-nine dollars and sixty-four cents) during the past 25 years.

OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT

Mr. CLELAND. Mr. President, one of the first issues to come before me as a new member of the Commerce Committee was INTELSAT privatization. Although this was a challenging issue that required balancing the international role of the U.S. in communications technology with the needs of the signatories to INTELSAT, I chose to become an original co-sponsor of the Open-market Reorganization for the Betterment of International Telecommunications Act ''ORBIT'' because